REMARKS

With this Response, Applicants respectfully request that claim 6 be canceled without prejudice. Additionally, claims 1, 9, 10, 16, 20, and 21 are amended. Therefore, claims 1, 4-5, 7-10, and 13-22 are pending.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 20 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. While Applicants do not agree that the claims were indefinite as previously presented, in an effort to expedite prosecution, Applicants have amended these claims herein. Applicants submit that as amended herein, these claims are not indefinite. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 5-10, and 14-19

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0191588 of Personick (hereinafter "Personick"), in view of U.S. Patent No. 7,218,637 of Best (hereinafter "Best"). Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 1 and 10 are independent claims. Both independent claims recite features directed to a packet-switched fabric that switches both TDM and PDU traffic with packet-switching for both.

Applicants submit that the combination of these references is improper. Per MPEP § 2143.01(VI), a combination of the references is improper if the proposed combination changes the principle of operation of one of the references. The principle of operation of one or both of these references would have to be changed for the asserted combination.

Personick discloses a system that separates the scheduling and switching of TDM traffic and packet-based traffic. See, inter alia, paragraphs [0025], [0033], and [0034], as well as Figs. 3, 4A, and 4B. Such a system is described in Applicants' Background referring to Figure 1 and paragraphs [0003] and [0004], and disclosing that TDM traffic is typically switched with circuit

switching. Applicants submit that the separation and separate handling of the TDM and packet-based traffic of Personick is evidence of such dedicated circuit switching of the TDM traffic.

Personick is in contrast with Best, which appears to disclose a system that may combine TDM traffic and packet-based traffic. Best also discusses treating TDM and packet-based traffic differently, and also discloses circuit switching of TDM traffic. See, inter alia, col. 15, lines 51 to 65; col. 8, lines 1 to 6 and 34 to 40. However, Best appears to employ circuit emulation, such as that described in Applicants' Background referring to Figure 2 and paragraph [0006]. Note specifically that "Circuit emulators [] prepare the TDM traffic to be switched over [the fabric], such as by preparing the TDM traffic to be seen by [the fabric] as highest-priority PDU traffic." Best explicitly states: "TDM priority dominates the priority of all other traffic." Col. 15, line 58.

Thus, Personick discloses separation of circuit switched traffic and packet-switched traffic, whereas Best discloses the use of circuit emulation. The two approaches are known in the art; however, one of skill in the art would understand the two approaches to be distinct and non-combinable. One or both systems would be required to be changed to work with the other. Thus, the basic principle of operation of at least one system would require modification to work with the other. However, as pointed out in the MPEP, a combination of the references is improper if the proposed combination changes the principle of operation of one of the references. Therefore, these references are not properly combinable.

Furthermore, even assuming for the sake of argument that the references are properly combinable, the combination of the references fails to disclose or suggest at least one feature of the invention as recited in Applicants' claims. As mentioned above, at most the combination of the references shows a system that relies on circuit-switching to switch TDM traffic, in contrast to Applicants' claimed invention. As understood in the art, circuit switching uses a fixed or established circuit that is maintained for the TDM stream. The circuit switching is explicit in Personick, and emulated in Best. Best schedules TDM streams as highest-priority traffic and then schedules other traffic based on priority. There is a scheduler required to schedule the TDM and packet-based traffic.

Applicants further note that the Office Action assumes that Personick discloses everything in Applicants' independent claims except the format of the scheduling table. Applicants have not ever, nor do Applicants concede to such a statement. As shown herein, there are many reasons why Personick fails to disclose or suggest Applicants' claimed invention.

Previous mention in other Responses to the **timeslot-reservation table** for TDM traffic and **prescheduling switching** of a packet-switched fabric that switches TDM and packet-based traffic by entries in the table, is sufficient to overcome the Personick reference, but it is not the only distinction between the cited references and Applicants' claimed invention. For example, in Personick, there is a separation of the TDM and packet-based traffic with different fabrics, and no type of scheduling (whether or not shown in Best) can cure the defect of the separate fabrics. It is not entirely clear whether the same type of scheduling and switching control as claimed could even be possible with different fabrics as in Personick.

In contrast to the cited references, Applicants' independent claims recite packet-switching both TDM and PDU traffic on the same fabric. The TDM traffic is prescheduled, and the PDU traffic is switched by arbitration scheduling. Thus, Applicants' claims recite features not disclosed or suggested in either of the references separately, or in a combination of the references. Therefore, Applicants submit that the cited references fail to support an obviousness rejection of the independent claims or their respective dependent claims, and respectfully request that the rejection of these claims be withdrawn.

Claims 4 and 22

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Personick in view of Best, and further in view of U.S. Patent No. 6,876,650 of McCrosky (hereinafter "McCrosky"). The Office Action cites McCrosky as showing the specific Slepian-Duguid-based algorithm, and not as curing the deficiencies of Personick and Best discussed above. Whether or not McCrosky discloses the algorithm for which it is cited, Applicants submit that McCrosky fails to cure the deficiencies of the primary references. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the invention as recited in the independent claims, as set forth above. Thus, the independent claims are not rendered obvious by the cited references. As dependent claims, these claims are patentable over the cited references for at least the same reasons set forth above for the independent claims.

Claims 20 and 21

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Personick in view of Best, and further in view of U.S. Patent No. 7,187,672 of Vishnu

(hereinafter "Vishnu"). The Office Action cites Vishnu as disclosing a Clos network configuration, and not as curing the deficiencies of Personick and Best discussed above. Whether or not Vishnu discloses the algorithm for which it is cited, Applicants submit that Vishnu fails to cure the deficiencies of the primary references. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the invention as recited in the independent claims, as set forth above. Thus, the independent claims are not rendered obvious by the cited references. As dependent claims, these claims are patentable over the cited references for at least the same reasons set forth above for the independent claims.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 50-1047.

Respectfully submitted,

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

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